

UNITED STATES DISTRICT COURT
FOR THE
WESTERN DISTRICT OF PENNSYLVANIA

ALBERT T. CARLISLE,)
Plaintiff)
VS.) CASE NUMBER CA 04 - 284E
MATSON LUMBER COMPANY and MATSON,) JUDGE LANCASTER
HARDWOODS, INC.,)
Defendant)

MOTION TO CONTINUE ARGUMENT

AND NOW come the Defendants by their attorney, Robert P. Ging, Jr. and set forth the following Motion to Continue Argument.

1. On or about July 6, 2005 this Honorable Court scheduled a hearing for August 26, 2005 at 1:30 p.m.
2. Counsel for the Defendants is unable to attend the argument due to a personal medical emergency.
3. Counsel for the Defendants has spoken with counsel for the Plaintiff, and counsel for the Plaintiff does not object to the continuance.
4. No party is likely to be prejudiced by the continuance.

WHEREFORE, the Court is respectfully requested to enter the attached Order.

Respectfully submitted,

Robert P. Ging, Jr., Esquire

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Plaintiff)
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MATSON LUMBER COMPANY and MATSON,) JUDGE LANCASTER
HARDWOODS, INC.,)
Defendant)

ORDER

AND NOW, to wit, this _____ day of _____, 2005 upon Motion of the Defendants, it is hereby Ordered that the hearing on the jurisdictional amount in controversy scheduled for August 26, 2005 at 1:30 p.m. shall be continued. The hearing on the jurisdictional amount in controversy will be held on October _____, 2005 at _____ o'clock am/pm.

It is further Ordered that all other proceedings in this case are stayed pending the Court's ruling on the issue of jurisdictional amount in controversy.

BY THE COURT

Gary L. Lancaster, District Judge

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Motion to Continue Argument was served on the following party at his respective address on this date via U.S. First Class, Postage Pre-Paid Mail.

James R. Fryling, Esquire
17 West Tenth Street
P. O. Box 860
Erie, PA 16512-0860

DATED: August 22, 2005

Respectfully submitted,

Robert P. Ging, Jr., Esquire